

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

EARNEST PRATER, JR.,

Plaintiff,

v.

JAMES L. CORLEY, JR., VERIFY
INC, VENDOR SURVEILLANCE CORP., and
JOHN DOES I through X,

Defendants.

Civil Action No.: 3:22CV00017

Circuit Court for the County of
Orange, Virginia
Case No. CL22-174

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants James L. Corley, Jr. (“Mr. Corley”), Verify, Inc.¹ (“Verify”), and Vendor Surveillance Corp. (“VSC”) (collectively with Mr. Corley and Verify, “Defendants”) respectfully file this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, to remove to the United States District Court for the Western District of Virginia an action initiated against them in the Circuit Court for the County of Orange. Removal of this action is based on the following:

1. On March 1, 2022, Plaintiff filed a civil action against Defendants, as well as “JOHN DOES I through X” (“John Doe Defendants”) in the Circuit Court for the County of Orange, Virginia, case number CL22-174 (hereinafter “State Court Action”). A true and accurate copy of all process, pleadings, and orders received by Verify and VSC are attached hereto as **Exhibit A** and is incorporated by reference.

2. The Complaint in the State Court Action asserts negligence claims against all Defendants arising from a motor vehicle accident. Ex. A, Compl.

¹ Defendant Verify, Inc. is incorrectly identified in the Complaint as “Verify Inc”.

3. On April 14, 2022, Verify and VSC received via U.S. Mail the package attached hereto as Exhibit A, a package for service via the Secretary of the Commonwealth, which contains therein a copy of the Complaint filed in the State Court Action. Mr. Corley has not yet been served with process in the State Court Action. Thus, this Notice of Removal is timely because it is filed not more than thirty (30) days after any of the Defendants received a copy of the Complaint, through service or otherwise. 28 U.S.C. § 1446(b).

4. The Western District of Virginia, Charlottesville Division, is the federal district embracing Orange County, Virginia, where the State Court action was originally filed. 28 U.S.C. § 127(b); W.D. Va. Local R. 2(a)(3). Thus, Defendants' Notice of Removal is properly filed in this District and Division. 28 U.S.C. § 1441(a).

BASIS FOR REMOVAL – DIVERSITY JURISDICTION

5. The State Court Action is removable under 28 U.S.C. § 1332(a). The Court has subject matter jurisdiction over the State Court Action because it is between citizens of different states and the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a).

6. Plaintiff is a citizen of Virginia. Ex. A, Compl. ¶ 1.

7. Mr. Corley is now, and was at the time of the filing of the Complaint, a citizen of South Carolina.

8. Verify is now, and was at the time of the filing of the Complaint, a corporation incorporated in the state of California, with its principal place of business in California.

9. VSC is now, and was at the time of the filing of the Complaint, a corporation incorporated in the state of California, with its principal place of business in California.²

² In the Complaint, Plaintiff alleges that Mr. Corley was acting as an employee of VSC at the time of the alleged motor vehicle accident. Ex. A, Compl. ¶ 4. In fact, Mr. Corley was acting as an employee of another entity, VTR, Inc., and was not acting as an employee of VSC. As such,

10. The citizenship of the John Doe Defendants is disregarded for the purposes of determining whether this action is removable. 28 U.S.C. § 1441(b)(1).

11. Plaintiff's Complaint requests judgment against Defendants in the amount of \$11,000,000.00. Ex. A, Compl. prayer for relief. Thus, the amount in controversy requirement specified in 28 U.S.C. § 1332(a) is satisfied.

12. If any question arises regarding the propriety of the removal of this action, Defendants respectfully request the opportunity to conduct jurisdictional discovery (if necessary), file a brief, and present oral argument to confirm that this Court has jurisdiction and that this case has been properly removed.

NOTICE

13. In accordance with 28 U.S.C. § 1446(d), prompt written notice of the filing of this Notice of Removal is being given to all other parties, and a true and correct copy of the Notice of Removal is being filed with the Circuit Court for the County of Orange, Virginia.

CONSENT

14. Defendants all consent to the removal of this action. Consent of the John Doe Defendants is not required, both because they have been sued under fictitious names, and because they have not been served. See 28 U.S.C. § 1446(b)(2)(A).

This 19th Day of April, 2022.

Defendants anticipate that VTR, Inc. may become a party to this action. However, VTR, Inc. is a corporation incorporated in the state of Texas, with its principal place of business in California, and as such its potential addition to this action would have no effect on the existence of complete diversity in this case.

Respectfully submitted,

JAMES L. CORLEY, JR.
VERIFY, INC.
VENDOR SURVEILLANCE CORP.

By: _____/s/
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Counsel for Defendants

CERTIFICATION

I certify that on this 19th day of April, 2022, I sent a true and accurate copy of the foregoing via email and U.S. mail to:

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